

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

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) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **(Subcategory No. 06-11883)**

THIS DOCUMENT RELATES TO:

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)
) *State of South Carolina v. Dey, L.P. f/k/a Dey*
) *Laboratories*, Case Nos. 1:07-CV-10290-PBS & 1:07-
) CV-10293-PBS
)
)

Hon. Patti B. Saris

STIPULATION OF DISMISSAL AS TO CLAIMS AGAINST DEY, L.P.

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff State of South Carolina (the “State”) and defendant Dey, L.P. (“Dey”) that:

1. On August 3, 2006, the State commenced two separate actions in the Court of Common Pleas for the Fifth Judicial Circuit, County of Richland, South Carolina, against Dey entitled *State of South Carolina, et al. v. Dey, L.P., f/k/a Dey Laboratories* (Case No. 06-CP-40-4392) and *State of South Carolina, et al. v. Dey, L.P., f/k/a Dey Laboratories* (Case No. 06-CP-40-4397) (collectively “State Actions”), for alleged injuries to its Medicaid Program and its state-sponsored State Health Plan;

2. On October 11, 2006, Dey filed a notice of removal and removed the State Actions to the United States District Court for the District of South Carolina, after which the Judicial Panel on Multi-District Litigation transferred the State Actions to this Court, the District Court of Massachusetts, for consolidation with the above captioned MDL proceeding; and

3. Pursuant to Rule 41(a) of the Rules of Civil Procedure and the terms of the April 14, 2009 Settlement Agreement and Release between the State and Dey, the state and Dey

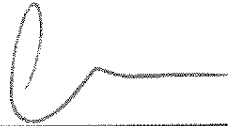
hereby stipulate to entry of an Order, in the form attached hereto as Exhibit A, dismissing with prejudice all claims asserted by the State against Dey in the State Actions.

The undersigned parties hereto respectfully request the Court to enter an order in the form of the attached proposed order.

DATED: June 23, 2009

Respectfully submitted,

By:



Charles J. Barnhill
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On Behalf of Plaintiff State of South Carolina

By:



Paul F. Doyle
Kelley Drye & Warren LLP
101 Park Avenue
New York, New York 10178
(212) 808-7800

On Behalf of Defendant Dey, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2009, I caused a true and correct copy of the foregoing Stipulation of Dismissal as to Dey, L.P. to be served on counsel of record for each party through the Court's Electronic Case Filing System.



Sung W. Kim

I also hereby certify that on June ~~24~~²⁴, 2009, I caused a true and correct copy of the foregoing Stipulation of Dismissal as to Dey, L.P. to be served on counsel of record for each party through LexisNexis File & Serve.


Sung W. Kim